

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

**JOSE GARCIA,**

Plaintiff,

-VS-

CASE NO.  
HON.

**AMERICAN INTERNATIONAL CARGO SERVICES, INC.,  
dba AMERICAN SHIPPING CO.**

Defendant.

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| CHRISTOPHER TRAINOR & ASSOCIATES<br>CHRISTOPHER J. TRAINOR (P42449)<br>AMY J. DEROUIN (P70514)<br>THOMAS P. KERR (P84864)<br>Attorneys for Plaintiff<br>9750 Highland Road<br>White Lake, MI 48386<br>(248) 886-8650 / (248) 698-3321-fax<br><a href="mailto:Amy.DeRouin@cjtrainor.com">Amy.DeRouin@cjtrainor.com</a><br><a href="mailto:Thomas.Kerr@cjtrainor.com">Thomas.Kerr@cjtrainor.com</a> |  |
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THERE IS NO OTHER PENDING OR RESOLVED CIVIL ACTION ARISING OUT OF THE TRANSACTION OR OCCURRENCE WHICH IS THE SUBJECT MATTER OF THIS LAWSUIT.

**COMPLAINT AND JURY DEMAND**

**NOW COMES** Plaintiff, **JOSE GARCIA**, by and through his attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and for his Complaint against the above-named Defendant states the following:

1. The Plaintiff, **JOSE GARCIA**, is a resident of the County of Wayne, State of Michigan.
2. The Defendant **AMERICAN INTERNATIONAL CARGO SERVICES, INC.** is a foreign corporation, doing business as American Shipping CO, with a registered office in the State of New Jersey, who conducts business throughout the State of Michigan.

3. This lawsuit arises out of an incident which occurred in the Village of Whitehouse, County of Lucas, State of Ohio.
4. That this lawsuit arises out of Defendant's negligence which as a result caused Plaintiff to sustain grievous injuries.
5. Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1332 (diversity jurisdiction).
6. The amount in controversy in this cause exceeds Seventy-Five Thousand (\$75,000.00) Dollars exclusive of costs, interest and attorney fees.

### **FACTS**

7. On February 20, 2020, Plaintiff was transporting a shipping container that was previously prepared, loaded, and transported by Defendant **AMERICAN INTERNATIONAL CARGO SERVICES, INC** and/or its agents, servants, or employees in Michigan and other locations within and outside of the USA.
8. That Defendant failed to secure a Drill Press/Band Saw within the shipping container when it was loaded causing a substantial risk of injury to anyone who was to open said container.
9. That on the above date, Plaintiff opened the door of the shipping container on and was struck by the Drill Press / Band Saw which fell onto of him, causing grievous injuries to Plaintiff.

### **COUNT I** **NEGLIGENCE OF AMERICAN INTERNATIONAL CARGO SERVICES, INC.**

10. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1 through 8 of this Complaint as though fully set forth herein.
11. That Defendant **AMERICAN INTERNATIONAL CARGO SERVICES, INC.** and its agents and employees, owed Plaintiff the duty of due care and as such, were obligated to exercise that degree of reasonable care, caution, diligence, and skill ordinarily exercised and possessed by persons such as Defendant's employees, who undertake and preform the pre-

unloading inspection as well as unloading and/or loading process at issue and referenced herein, which occurred at Defendant's facility on or before February 20, 2020.

12. That Defendant **AMERICAN INTERNATIONAL CARGO SERVICES, INC.**, by and through its agents, servants, and/or employees breached its duty of care owed to Plaintiff, and were negligent in the following particulars:

- a. Failing to properly inspect the load within the shipping container on Plaintiff's trailer to ensure that the Drill Press/Band Saw was secure, *before* Plaintiff commence in transporting the shipping container or opened the shipping container door.
- b. Failing to properly secure the Drill Press/Band Saw when it or its agents, employees, or servants loaded the shipping container, *before* Plaintiff commence in transporting the shipping container or opened the shipping container door.
- c. Failing to ensure that dangerous conditions are not created; to instruct others to take any action that could cause serious injury; to ensure that it does not create an unsafe and/or hazardous condition that causes serious injury; to warn Plaintiff of dangerous or potentially dangerous conditions that were known or should have been known by Defendant; to act with due diligence to ensure that all safety standards and protocols are followed.
- d. Other acts or omissions constituting negligence committed by Defendant's employees in the course of loading and/or transporting this shipment container on or before February 20, 2020, as may be ascertained in the course of discovery in this case.

13. That as a direct and proximate result constituting negligence of Defendant **AMERICAN INTERNATIONAL CARGO SERVICES, INC.**, and/or their employees, servants and agents, as described here in above, said Drill Press / Band Saw rolled off the shipping container and onto Plaintiff, who suffered grievous injuries as a consequence thereof.

**WHEREFORE**, Plaintiff JOSE GARCIA respectfully requests that Judgment be rendered against the Defendant in such amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) as is to be found to be reasonable and just, together with costs, interest, and attorney's fees so wrongfully incurred in prosecution of this action.

Respectfully submitted,  
CHRISTOPHER TRAINOR & ASSOCIATES

/s/ Christopher J. Trainor  
CHRISTOPHER J. TRAINOR (P42449)  
AMY J. DEROUIN (P70514)  
Attorneys for Plaintiff  
9750 Highland Road  
White Lake, MI 48386  
(248) 886-8650

Dated: September 15, 2021  
CJT/tpk

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**DEMAND FOR JURY TRIAL**

**NOW COMES** Plaintiff, **JOSE GARCIA**, by and through his attorney, CHRISTOPHER TRAINOR & ASSOCIATES, and hereby demands a trial on the issues in the above matter.

Respectfully submitted,  
CHRISTOPHER TRAINOR & ASSOCIATES

/s/ Christopher J. Trainor  
CHRISTOPHER J. TRAINOR (P42449)  
AMY J. DEROUIN (P70514)  
Attorneys for Plaintiff  
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